

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference GB2 2003057 PCT | FOR FURTHER ACTION | | See Form PCT/IPEA/416 | | | | | | | | | | | | | | | | | | | | | | | | |
| International application No. PCT/FR2004/001774 | International filing date (day/month/year) 07.07.2004 | Priority date (day/month/year) 09.07.2003 | | | | | | | | | | | | | | | | | | | | | | | | | |
| International Patent Classification (IPC) or national classification and IPC G02F1/15 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant SAINT-GOBAIN GLASS FRANCE | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table> | | | | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001774

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 1-10 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. 1-15 _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/1 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|--|

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-15</u> | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims <u>1-15</u> | YES |
| | Claims _____ | NO |
| Industrial applicability (IA) | Claims <u>1-15</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations (Rule 70.7)

1. In so far as claim 1 can be understood despite the lack of clarity of its subject matter (see Box VIII hereunder), said claim nevertheless appears to meet the requirements of PCT Article 33(1).

2. The closest prior art appears to be that described in US-A-4 488 780. Said document discloses an electrochrome device in which the material of the supporting substrates is selected so that its dilation coefficient corresponds to that of the active layers, thereby preventing the occurrence of stresses within the device during a change in temperature. The presence of a polymer film contracting during a temperature cycle is neither disclosed nor even suggested in said document, since such a film would give rise to such internal stresses and therefore result in undesirable bowing of the device.

3. Furthermore, none of the other documents cited in the international search report either discloses or suggests an electrochrome device comprising such a polymer film. Indeed, the aim of inserting a polymer film into a device or applying one to a substrate is

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International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
always to minimise possible bowing of said device or substrate.

4. The subject matter of claim 1 is therefore novel and also appears to involve an inventive step.
5. Claims 2 to 15 are all dependent on claim 1. In spite of the lack of clarity of certain of them (see Box VIII hereunder), the subject matter of said claims is also novel and appears to involve an inventive step.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Given the relevance of US-A-4 488 780, said document should be mentioned and briefly discussed in the introductory part (PCT Rule 5.1(a)(ii)).

2. The characterisation and discussion of an embodiment of the inventive device refer to a group of parameters that are not defined at any point (see page 8, lines 11 to 20).

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1, 5 and 15 fail to meet the requirements of clarity of PCT Article 6.
 - 1.1 The feature of claim 1 relating to the range within which a contraction percentage should fall (see the last two lines of said claim) is not clearly defined unless the conditions under which said contraction percentage is measured are themselves clearly defined. In particular, it appears from the description that said contraction percentage is measured after applying heat treatment at a given temperature (130° C) and for a predetermined duration (1 hour, see the description, page 7, lines 12 and 13).
 - 1.2 The inclusion of features between parentheses results in a lack of clarity in the definition of the subject matter of claim 1.
 - 1.3 The "complexity value" to which claim 5 refers is a parameter that is not clearly defined in the art and consequently the subject matter of said claim is not clearly defined. A definition of said value is nevertheless provided on page 7, lines 24 to 27, of the description.
 - 1.4 Claim 15 is directly dependent on claim 1, yet it is not clear how the former is supposed to define more clearly the subject matter of the latter.